

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

DOD 8/14/04

INVITATION TO PAY ADDITIONAL FEES

(PCT Article 17(3)(a) and Rule 40.1)

To:
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Date of Mailing (day/month/year) 30 JUL 2004	PAYMENT DUE within 15 days from the above date of mailing
Applicant's or agent's file reference 6001295/PCT	International filing date (day/month/year) 23 December 2003 (23.12.2003)
International application No. PCT/US03/41229	
Applicant THE ROCKEFELLER UNIVERSITY	

1. This International Searching Authority

(i) considers that there are 5 (number of) inventions claimed in the international application covered by the claims indicated below/on an extra sheet:
Please See Continuation Sheet

and it considers that the international application does not comply with the requirements of unity of invention (Rules 13.1, 13.2 and 13.3) for the reasons indicated below/on an extra sheet:

- (ii) ☐ has carried out a partial international search (see Annex) ☒ will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.: 1-14
- (iii) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid.

2. The applicant is hereby invited, within the time limit indicated above, to pay the amount indicated below:

\$210.00 X 4 = \$840.00
Fee additional per invention number of additional inventions total amount of additional fees

The applicant is informed that, according to Rule 40.2(c), the payment of any additional fee may be made under protest, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive.

3. ☐ Claim(s) Nos. _____ have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer Irene Marx <i>Janice Ford</i> Telephone No. (571) 272-1600
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Form PCT/ISA/206 (July 1992)

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International application No.
PCT/US03/41229

This International Search Authority has found 5 inventions claimed in the International Application covered by the claims indicated below:

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. In order for all inventions to be examined, the appropriate additional examination fees must be paid.

Group I, claims 1-14, drawn to a method of treating or preventing bacterial infections with at least two bacteriophage derived lytic enzymes

Group II, claims 15-17 and 19-23 drawn to compositions comprising at least two bacteriophage derived lytic enzymes.

Group III, claim 18 drawn to a screening method

Group IV, claim 24 drawn to a method of decontaminating a surface.

Group V, claims 25-29, drawn to a method of making compositions comprising at least two bacteriophage derived lytic enzymes.

The inventions listed as groups I-V do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2 they lack the same or corresponding special technical features for the following reasons:

First, the inventions do not match a permitted category as PCT Rule 13.2 does not provide for multiple methods or products in one category.

Second, the method of group I does not share a special technical feature with the methods of group III, IV and V because the purpose of each of these processes and products produced thereby are different, independent and distinct.

Third, no common inventive concept is shared among groups I through V, since a technical relationship is lacking among the claimed inventions involving one or more special technical features because compositions comprising at least two bacteriophage derived lytic enzymes are known in the art. See, e.g., U.S. Patent No. 6,277,399, col. 4, line 62 et seq. and col. 13, lines 37-54.

The requirement of unity of invention is not fulfilled because there is no technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" means those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art. Therefore, a technical relationship is lacking among the claimed inventions involving one or more special technical features.

Accordingly, the claims are not so linked by a special technical feature within the meaning of PCT Rule 13.2 so as to form a single inventive concept.